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REMARKS

Claims 1-14 were originally presented in the subject application. Claims 15 and 16 have herein been added, and claim 5 amended, to more particularly point out and distinctly claim the subject invention. No claims have herein been canceled. Therefore, claims 1-16 remain in this case.

The addition of new matter has been scrupulously avoided. In that regard, support for the addition of claim 15 can be found in the specification at, for example, page 24, lines 14-17. Similarly, support for the addition of claim 16 can be found in the specification at, for example, page 19, lines 5-9.

Applicants respectfully request entry of this amendment, consideration of these remarks, and reconsideration and withdrawal of the grounds of rejection.

35 U.S.C. §112 Rejection

The Office Action rejected claim 5 under 35 U.S.C. §112, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Office Action alleged that the claim 5 limitation of “said identified cryptor, compressor and authenticator” was problematic for the word “and,” since the method only requires one.

In response, Applicants have amended claim 5 to recite “said identified *one or more of a* cryptor, *a* compressor and *an* authenticator.” As amended, Applicants submit the stated rejection has been overcome and should now be withdrawn.

35 U.S.C. §102 Rejections

The Office Action rejected claims 1-2, 4 and 7-14 under 35 U.S.C. §102(e), as allegedly anticipated by Peinado et al. (U.S. Patent No. 6,775,655). Applicants respectfully, but most strenuously, traverse this rejection.

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With respect to the anticipation rejection, it is well settled that a claimed invention is not anticipated unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; (4) in order to perform the identical function of the claimed invention. In this instance, Applicants submit that Peinado et al. fails to disclose at least one element of each of the independent claims and as a result does not anticipate, or even render obvious, applicants' invention.

Claim 1 recites, for example, sending a request from a decoding controller on the first data processing apparatus to a second data processing apparatus to determine attributes of a decoding process for accessing the encoded data. Against the claimed decoding controller, the Office Action cites to the black box of Peinado et al.

However, a careful reading of the cited section of Peinado et al. reveals that the black box does not send a decoding process attribute request. Instead, it is the license evaluator 36 (FIG. 4), a different component from black box 30 with a different purpose, that requests a license from the license server. The purpose of the black box is decryption and encryption. See Peinado et al. at column 15, lines 37-42. Thus, Applicants submit Peinado et al. fails to disclose, teach or suggest a decoding controller that sends a request as claimed.

Therefore, Applicants submit that claim 1 cannot be anticipated by, or made obvious over Peinado et al.

Independent claims 10-12 each contain a limitation similar to that argued above with respect to claim 1. Thus, the remarks above with regard to claim 1 apply equally to those claims. Therefore, claims 10-12 also cannot be anticipated by, or made obvious over Peinado et al.

The Office Action rejected claims 1, 3 and 7-14 under 35 U.S.C. §102(e), as allegedly anticipated by Marvit et al. (U.S. Patent No. 6,625,734). Applicants respectfully, but most strenuously, traverse this rejection.

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As noted above, it is well settled that a claimed invention is not anticipated unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; (4) in order to perform the identical function of the claimed invention. In this instance, Applicants submit that Marvit et al. fails to disclose at least one element of each of the independent claims and as a result does not anticipate, or even render obvious, applicants' invention.

Claim 1 recites, for example, sending a request from a decoding controller on the first data processing apparatus to a second data processing apparatus to determine attributes of a decoding process for accessing the encoded data. Against this aspect of claim 1, the Office Action cites to Marvit et al. at column 5, lines 57-63.

However, a careful reading of the cited section of Marvit et al. reveals no disclosure regarding what component of a "user" is requesting the decrypting key from the key repository. Indeed, Applicants could find no disclosure anywhere in Marvit et al. regarding what component is performing the requesting. Instead, the absence of any specifics appears purposeful, in light of the very general description of a "user" at column 4, lines 2-9. The focus of Marvit et al. appears to be on the overall process of encrypting, disseminating and decrypting messages, rather than on which components are handling each portion of the process. Thus, Applicants submit that Marvit et al. fails to disclose, teach or suggest the claimed decoding controller sending the claimed request.

Therefore, Applicants submit that claim 1 cannot be anticipated by, or made obvious over Marvit et al.

Independent claims 10-12 each contain a limitation similar to that argued above with respect to claim 1. Thus, the remarks above with regard to claim 1 apply equally to those claims. Therefore, claims 10-12 also cannot be anticipated by, or made obvious over Marvit et al.

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CONCLUSION

Applicants submit that the dependent claims are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-16.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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